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September 6, 2011

VIA E-MAIL AND FIRST CLASS MAIL

Alan Michael Singer
Staff Attorney
State of Washington Office of Insurance
Commissioner
PO Box 40255
Olympia, WA 98504-0255

OIC Hearings Unit
Office of Insurance Commissioner
PO Box 40255
Olympia, WA 98504-0255

Re: OIC's Third Motion to Supplement the Record with Certification of Dr. Mihali
Our File No.: 122574/181300

Dear OIC Hearings Unit and Mr. Singer:

We have received Mr. Singer's third motion to supplement the record and wish to register our objection.

Dr. Mihali's August 24, 2011 declaration is irrelevant in this matter for two reasons. First and foremost, although both parties use Gladys White's policy as an example for illustrative purposes, this matter is not about Gladys White. This matter regards the two orders against Ability Insurance Company, which require Ability to interpret policy and regulation as the OIC does. Subsequent facts regarding Gladys White have no relevance to this hearing.

Second, the declaration is irrelevant even to any discussion of Ms. White's policy. Ability did not have this declaration prior to making its decision not to reinstate Ms. White's policy; Dr. Mihali had sent in contrary information. Only those facts available to Ability at the time of its decision should have any relevance. Such after-the-fact creation of new facts is improper.

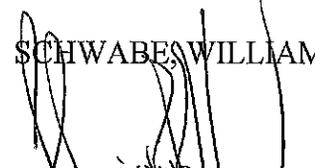
As before, Ability does not require a briefing or hearing schedule for this issue. We would consent to the judge's discretion in deciding whether the official record should be

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supplemented. We will, of course, be willing to provide further briefing or argument if necessary and helpful to the judge on this issue.

Very truly yours,

SCHWABES WILLIAMSON & WYATT, P.C.



Christopher R. Howard
Virginia R. Nicholson

CHH:tg

cc: Donald K. Lawler, J.D., M.B.A.
Kelly Cairns, Paralegal

